IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3899 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3402/2007 Dated 12/06/2007
CRIME NO.175/07 OF PUDUKKAD POLICE STATION

.....

PETITIONER/ACCUSED NO.2

BIJU @ POTTA VIJU, S/O NARAYANAN,
THAYYIL HOUSE, PONNUKKARA P.O., THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3899 of 2007

Dated this the 29th day of June, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.399 of the IPC and Sec.3 read with Sec.25 of the Arms Act. The petitioner has been continuing in custody from 16/4/07. The co-accused, who has been arrested, has already been enlarged on bail as per the order dated 12/6/07 in B.A.No.3402/07 passed by this Court. The learned counsel for the petitioner prays that the petitioner, who is innocent, may at least now be enlarged on bail.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner in involved in several other crimes. Release of the petitioner on bail at this stage may not be considered, prays the learned Public Prosecutor.

3. I have considered all the relevant inputs. I am satisfied that subject to appropriate conditions the petitioner

can be enlarged on bail. It is true that there are several other cases registered against the petitioner. But, in the facts and circumstances of this case, I am of opinion that the continued endless detention of the petitioner, who has been remaining in custody from 16/4/07, is not justified. Granting sufficient time to the Investigator to complete the investigation, regular bail can be granted to the petitioner subject to appropriate safeguards.

5. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 11/7/07.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until further orders.

(iv) The petitioner shall not leave the jurisdiction of the Pudukkad Police Station until further orders.

(v) The address and place of residence of the petitioner

shall be furnished to the Investigating Officer within a period of 7 days. The Investigating Officer shall also be informed of any change of address in future.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge